

MAGISTRATE JUDGE NEWBERN COURTROOM MINUTES FOR CRIMINAL PROCEEDINGS
by VIDEOCONFERENCE

U.S.A. v. Ricardo Paolo Spagni, No. 3:21-mj-4149

ATTORNEY FOR GOVERNMENT: Joe Montminy

ATTORNEY FOR DEFENDANT: Brian Klein, Henry Leventis

AFPD

Panel

Retained

PRETRIAL SERVICES/PROBATION OFFICER: Tiana Rock

INTERPRETER NEEDED?

YES

NO

LANGUAGE/INTERPRETER: _____

☐ PRESENT

☐ ON TELEPHONE

☐ Defendant consents to Initial App. and ☐ All future hearings before the Magistrate Judge by video conference.

☐ INITIAL APPEARANCE ☐ ON A SUMMONS ☐ ARRESTED ON: _____

DEFENDANT HAS A COPY OF:

- ☐ Complaint ☐ Indictment ☐ Information ☐ Supervised Release Pet. ☐ Other _____
- ☐ Defendant advised of the charges and the maximum penalties ☐ Defendant has a copy of notice of rights
- ☐ Defendant advised of right to counsel ☐ Counsel retained
- ☐ Defendant sworn and/or certified under penalty of perjury and financial affidavit filed ☐ FPD Appointed
- ☐ Defendant advised of right to silence
- ☐ Defendant advised of right to **Consular notification**
- ☐ GOVERNMENT and DEFENDANT advised of Due Process Protections Act of 2020
- ☐ Defendant advised of right to preliminary hearing ☐ Defendant waived preliminary hearing
- ☐ Government motion for detention ☐ Defendant temporarily detained
- ☐ Defendant waived detention hearing ☐ ICE detainer on defendant
- ☐ Defendant reserved right to hearing in future ☐ Defendant to be returned to State custody
- ☐ Defendant to remain in Federal custody ☐ Defendant waived rights under IAD
- ☐ Defendant remain on current conditions of supervised release
- ☐ Defendant ordered to psychological/psychiatric evaluation
- ☐ Defendant released on:
- ☐ Own recognizance with conditions of release ☐ standard ☐ special
- ☐ Appearance bond in the amount of: _____
- ☐ Property bond [description of property]: _____
- ☐ **RULE 5** - Defendant advised of right to identity hearing ☐ Defendant waived identity hearing
- ☐ **RULE 5** - Defendant reserved right to have preliminary hearing in District of Prosecution
- ☐ **RULE 5** - Defendant elected to have detention hearing in District of Prosecution
- ☐ **RULE 5** - DEFENDANT ADVISED OF RIGHT TO RULE 20 TRANSFER

☐ PRELIMINARY/DETENTION/ARRAIGNMENT CONTINUED TO: _____

☐ GRAND JURY WAIVED IN OPEN COURT

[Defendant sworn and advised of rights by Court]

☐ ARRAIGNMENT

- ☐ Defendant acknowledges he/she has copy of Indictment/Information ☐ Court advised Def. of penalties
- ☐ Defendant waives reading thereof ☐ Indictment/Information read to defendant by Judge
- PLEA: ☐ GUILTY ☐ NOT GUILTY ☐ Defendant intends to plead guilty and case referred to DJ

DATE: 9/17/21

TOTAL TIME: 15 min

BEGIN TIME: 3:01 p.m.

END TIME: 3:16 p.m.

Digitally Recorded

☐ **RULE 5 IDENTITY HEARING**

- ☐ Held, defendant found to be person named in warrant
- ☐ Held, defendant found NOT to be person named in warrant and released
- ☐ Waived in open Court

☐ **PRELIMINARY HEARING**

CONTINUED TO: _____

- ☐ Probable Cause found/Held to answer/bound over ☐ Discharged from custody
- ☐ Defendant waived preliminary hearing
- ☐ RULE 5 - Held to answer in District of Prosecution
- ☐ RULE 5 - Defendant reserved right to have hearing in District of Prosecution

☐ **DETENTION HEARING**

CONTINUED TO: _____

- ☐ Government withdrew motion for detention or agreed to release
- ☐ Pretrial Services Report made a part of the record ☐ Counsel moved to retain copy of PTSR/granted
- ☐ Bond set at: _____ ☐ Defendant released on [date]: _____
- ☐ RULE 5 - Defendant elected to have hearing in District of Prosecution
- ☐ Defendant waived detention hearing ☐ Defendant reserved right to hearing in future
- ☐ Defendant detained, order to enter ☐ ICE detainer pending
- ☐ Defendant to remain in Federal custody ☐ Defendant to be returned to State custody
- ☐ Government moved for stay of execution of release pending appeal
 - ☐ Motion granted ☐ Motion denied
- ☐ Defendant advised of right to appeal

☐ **ARRAIGNMENT ON MISDEMEANOR**

- ☐ Defendant acknowledges he/she has copy of Indictment/Information
- ☐ Indictment/Information read to defendant by Judge ☐ Defendant waives reading thereof
- PLEA:** ☐ **GUILTY** ☐ **NOT GUILTY**
- ☐ Misdemeanor - defendant consented to trial before Magistrate Judge
- ☐ Written plea agreement/filed in open Court ☐ Oral plea agreement
- ☐ Guilty plea: ☐ Accepted ☐ Rejected ☐ Taken under advisement

☒ **OTHER**

- ☐ Type of hearing and outcome: Status Conference; The hearing is
continued until Monday, September 20, 2021 at noon

☐ **DEFENDANT DID NOT APPEAR AS DIRECTED, BENCH WARRANT ISSUED**

NOTES/EVIDENTIARY MATTERS/SENTENCING:

(Witnesses, Exhibits, Attach W/Ex List if necessary)